

May 12, 2025  
Hon. Donna M. Ryu  
U.S. District Court, Northern District of California  
Ronald V. Dellums Fed. Bldg. & U.S. Courthouse  
1301 Clay Street  
Oakland, California 94612

Via ECF

RE: *Pampena v. Musk*, No. 3:22-cv-05937-CRB (N.D. Cal.)

Dear Judge Ryu:

Elon Musk (“Defendant”) and Brian Belgrave, John Garrett, and Nancy Price (“Plaintiffs”) respectfully submit this letter in response to the Court’s April 30, 2025 Order directing the parties to submit a two-page joint letter stating whether their positions in Alex Spiro’s Motion to Quash have changed following Defendant’s May 7, 2025 deposition.

**Plaintiffs’ Statement.** Plaintiffs’ position has not changed—if anything, Mr. Musk’s deposition conduct confirms the compelling need for Mr. Spiro, a central witness, to sit for a deposition.

**History repeats itself; Musk’s deposition is abruptly cut short due to [REDACTED]** After refusing to provide available dates prior to the discovery cutoff, and then failing to appear at his court-ordered deposition in Washington D.C. due to “health issues,” Musk’s deposition was finally rescheduled for May 7, 2025 in San Francisco. ECF 184. While Musk appeared in-person, he was defended by Spiro, the subject of this motion, who appeared remotely. Then, less than two hours into deposition, in the midst of exam about his right to due diligence (a key issue in the case), [REDACTED] and walked out of the deposition. Musk never returned and Spiro dropped off the Zoom. Another attorney had to inform Plaintiffs that the deposition was over and Musk had left the building. While Plaintiffs asked to resume the following week, Musk’s counsel said he was traveling and unavailable. [REDACTED] Musk arrived in Saudi Arabia today. Musk’s counsel has now proposed a third deposition date, this time on May 19.

**Musk’s limited testimony underscores the need for Spiro’s deposition.** In moving to quash, Spiro relied on Musk’s upcoming deposition as an alternative source of information for Plaintiffs. But Musk did not testify on the core Spiro deposition topics, and the limited testimony he provided reaffirmed the need to depose Spiro: (1) [REDACTED]

*See* Ex. 1. Musk did not confirm whether he was invoking the advice of counsel defense.



With respect to today's filing, Mr. Musk proposed the parties jointly advise the Court that his deposition was not yet complete and request an extension to submit the briefing the Court ordered. Plaintiffs rejected Musk's proposal, stating that, "based on Mr. Musk's deposition [as completed so far], we intend to ask [the Court] that Mr. Spiro's deposition go forward."

Notably, during the 1:52 on the record of Musk's deposition, Plaintiffs did not ask him about *even one* of the issues about which they claim they need to depose Spiro. And yet they contend herein that they do not need to complete Musk's deposition—and ask about those issues—before they can tell the Court that they still need Spiro's deposition. It is thus clear that Plaintiffs seek to depose Spiro not to discover facts, but for improper purposes. Indeed, Plaintiffs have taken only a handful of the 20 depositions they requested. There are dozens of witnesses (other than Spiro) who could answer their questions. Today, Musk learned that Plaintiffs had cancelled yet another deposition (Egon Durban) that they had scheduled for tomorrow. That makes about a dozen depositions that Plaintiffs noticed or subpoenaed, but failed to take. Plaintiffs cannot manufacture a purported need for deposing Spiro by failing to take discovery of other, less burdensome sources.

DATED: May 12, 2025

*/s/ Caroline Yuen*

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*/s/ Aaron Arnzen*

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**ATTESTATION**

Pursuant to Civil L.R. 5-1, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from the other signatories herein.

By /s/ Emily Couture

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